REMARKS/ARGUMENTS

Applicant amends the title and specification as required by the Examiner. Applicant herein amends claims 7-9 to overcome the Examiner's objection thereto. Applicant also herein amends claims 1, 10, 21, and 23, and withdraws claim 3, 12, and 20. No new matter has been added with this Response. Applicant submits that current claims 1, 2, 4-11, and 13-24 are now in condition for allowance. Reconsideration of all outstanding rejections in light of the amendments and the following remarks is therefore respectfully solicited.

In the Non-Final Office Action mailed October 7, 2004, the Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated over U.S. Patent 6,751,673 to Shaw (hereinafter "Shaw"). The Examiner stated that Shaw teaches a system for delivering content items over a network to recipient processors within a service region.

Applicant amends claims 1, 10, and 23 to further explain the nature of its invention. Applicant's invention discloses a system and method of delivering content over a network for download to a recipient processor. In Applicant's system, a network of servers operate to respond to requests by recipient processors to download particular content items. A parent server stores all available content items, and provides edge servers with content items not stored on a particular edge server. The edge servers each store less than all available content items based on an algorithm designed to remove least frequently used content items. As a result, recipient processors requesting frequently selected content items will receive content items stored on a respective edge server. Where a recipient processors requests infrequently selected content items, the edge server first requests the content item stored on the parent server, and downloads to the recipient processor following receipt from the parent server.

Shaw teaches a system for delivering streaming content, in which a network identifies an appropriate media server from which to obtain a stream. The network therefore uses a routing system to identify an optimal server for each user. A stream is sent to an entry point, where the stream is rebroadcast to a series of set reflectors. Each set reflector then rebroadcasts the stream to one or more edge nodes to which users have been routed. (Shaw, col. 5, lines 30-67).

Applicant's invention is therefore quite different than Shaw. Applicant does not deliver streaming media to its users. Instead, Applicant downloads entire content files to a recipient

processor. Additionally, in Applicant's system, the edge servers store selected content items so that they do not need to be retrieved from the parent server. Content items are stored on edge servers based on an algorithm designed so that not all content items are stored on the edge servers; thus, if a recipient processor requests a content item not stored on an edge server, the content item must be retrieved from a parent server.

The Examiner states that Applicant's feature of storing less than all available content items is taught by Shaw in Figures 2-3, col. 5, line 64 to col. 6, line 13, and at col. 8, lines 19-30. However, these passages instead teach that only requested streaming content is cached on an edge node. In other words, the only content stored on an edge node is that streaming content which was requested from an entry point by the network, and which is about to delivered. As stated above, Applicant's system stores selected content items on the edge servers, prior to a request from a recipient processor. Therefore, this feature of Applicant's claims is not taught by Shaw.

The Examiner further states that Applicant's algorithm-based determination of what content items to store on an edge server is taught by Shaw at col. 8, line 19-55. This passage of Shaw describes an submanager program that arranges for feeds to the edge server. The submanager operates to provide high availability to the edge servers; it does not control which content is to be stored on an edge server. The submanager includes an algorithm which, when used, determines which set reflectors are most active in supplying feeds, and keeps them alive, removing feeds that have not been active. This submanager and the algorithm therefore determine which feeds to provide content to the edge nodes. This is different than Applicant's algorithm, which determines which content to store on the edge servers. Shaw therefore does not teach this feature of Applicant's claims.

Regarding claim 19, Applicant claims a geofiltering component which determines which recipient processors are in a specified geographic region, and denies access to recipient processors not within a specified region. The Examiner states that this is taught by Shaw at col. 2, lines 35-58, and at col. 4, lines 14-57. However, Shaw instead teaches a routing mechanism for routing user requests. This routing mechanism routes user requests based on minimizing response time and for highest quality delivery. Shaw therefore does not teach Applicant's concept of determining a specified region and denying access if a recipient processor is not within the specified region.

Regarding claim 23, Applicant claims controlling access by recipient processors to content items obtained from edge servers, based on payment information received and processed by at least one main server. The Examiner stated that Shaw teaches this feature at col. 4, 54-57, and col. 9, 21-26. However, col. 4, 54-57 instead teaches a billing tool to generate appropriate billing information for the content provider, who typically pays for the service as a function of delivered content, while col. 9, 21-26 teaches a routemaster program that learns what streams are needed and where, and decides where to route the streams to best optimize the system. Neither of these passages teach Applicant's feature of controlling access based on payment information. Shaw therefore also does not teach this feature of Applicant's invention.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that the application is now in condition for allowance, and the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 102(e). If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (213) 896-6897.

Respectfully submitted,

Dated: APRIL 7, 2005

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